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WASHINGTON POST
 7 January 1987

Spy Papers Kept by Israel, Court Told

Pollard Provided 'Thousands of Pages,' Sentencing Memo Says

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Admitted spy Jonathan Jay Pollard provided "thousands of pages" of classified U.S. material to the Israelis, but the Israeli government has returned only 163 documents to the United States, federal prosecutors said in court papers yesterday.

In a sentencing memorandum, the prosecutors recommend a "substantial" prison term for Pollard, a former Navy counterintelligence analyst who pleaded guilty in June to spying for Israel. They said Pollard admitted providing 50 to 100 secret defense documents each month to his Israeli contacts, adding that those returned by Israel in December 1985 had already been photocopied.

The memo, signed by U.S. Attorney Joseph E. diGenova, says Pollard has expressed "no remorse" for his crimes and that he "compares his current posture to that of an Israeli pilot who, after having been shot down behind enemy lines, is left by Israel to languish There can be no doubt that he is prepared to divulge all he knows once he becomes, in his words, 'a productive member of Israeli society.'"

The memo, filed in U.S. District Court in advance of Pollard's Feb. 10 sentencing, provides the most detailed account to date of the espionage conspiracy directed by Israeli officials. According to the memo, the Israelis paid Pollard \$2,500 a month, promised him another \$300,000 in a Swiss account over 10 years, financed lavish European vacations for him and, at one point, bought Pollard's wife a \$7,000 diamond and sapphire ring that she had admired in a Paris jewelry store.

The Justice Department still may bring charges against four Israelis who have been named as unindicted co-conspirators in the case, although it is unlikely they would ever be brought to trial, according to federal law-enforcement sources. Such charges would bar the Israelis from entering the United States.

The sources said the department will soon seek to revoke the immunity from prosecution it had granted three of the Israelis, on grounds that they have misled U.S. investigators.

One is Rafael (Rafi) Eitan, a former terrorism adviser to two Israeli prime ministers. Eitan assured Pollard that he would be "taken care of" if arrested and that any U.S. investigation of him could be "contained," according to Pollard's account to investigators. Eitan was made president of a large state-run chemical company after Israel removed him as head of the spy ring.

The others granted immunity are Joseph (Yossi) Yagur, a former science consul at Israel's New York consulate who allegedly served as Pollard's control agent, and Irit Erb, a former secretary at the Israeli Embassy here.

A fourth unindicted co-conspirator, Israeli Air Force Col. Aviem (Avi) Sella, who allegedly was Pollard's first "handler," was not interviewed by the Justice Department and has not been granted immunity.

The Israeli government has maintained that the spy ring was a "renegade" operation that was never officially sanctioned and has been dismantled. "I'm not aware of any change in our position," Israeli Embassy spokesman Yosef Gal said yesterday. "There is really no new angle to this story."

Pollard faces a maximum penalty of life in prison and a \$250,000 fine. His wife, Anne Henderson-Pollard, faces up to 10 years in prison on lesser charges.

Pollard's attorney, Richard Hibey, who has said his client acted out of devotion to Israel, said he will dispute the prosecutors' argument in court papers this month. Hibey said yesterday that money "was not a primary motivation" for Pollard.

But diGenova's memo says that Pollard was "consumed" by the "lure of money" and became "literally addicted to the high life style funded by his espionage activities." The memo accuses Pollard of causing "exceptional" damage to U.S.

national security through a "venal . . . breach of trust" at his position with the Navy's Anti-Terrorist Alert Center in Suitland.

Although Pollard was an antiterrorism analyst, the memo says, he had access to Sensitive Compartmented Information, or data about sophisticated technical systems for collecting intelligence and intercepting communications.

The scheme began in 1984 when Pollard contacted Sella and said he wanted to use his Navy job "to exploit, on behalf of Israel, the 'holes' in the U.S. intelligence system," according to the memo.

Sella described "particular technical information which would be of primary interest to Israel and stressed that [Pollard] should obtain 'Top Secret' documents," the memo says. The Israelis asked for data on "specific weapons systems," it says.

Sella told Pollard he would receive a "salary" from the Israelis and discussed ways for him to hide his increased wealth, the memo says. Pollard was eventually paid about \$50,000.

Although Pollard and his wife together had take-home pay of just over \$29,000 a year, the memo says, they frequently dined at expensive Washington restaurants and paid cash for such items as a gold necklace and earrings costing \$1,800. After a 1984 trip to Paris to meet his Israeli contacts, the memo says, Pollard and his wife traveled to Marseilles, St. Tropez, Cannes, Nice, Monte Carlo, Pisa, Florence, Rome, Venice, Innsbruck and Munich, paying their bills in cash.

On another trip in the summer of 1985, the couple ran up \$4,500 in lodging bills at five-star hotels in Israel and Europe.